

Faulk, Camilla

To: Sullins, Nan
Subject: RE: Proposed CrR 4.11 & CrRLJ 4.11

From: Juhl, John [<mailto:jjuhl@co.snohomish.wa.us>]
Sent: Friday, April 15, 2011 4:36 PM
To: AOC DL - Rules Comments
Subject: Proposed CrR 4.11 & CrRLJ 4.11

Audio recording is not necessary for the successful interview of a witness or victim of a crime. Victims, through their advocates, have made it clear that they want a choice in the decision of whether or not their interview is recorded. Typically, witnesses are not represented by counsel at interviews; interviews that can be far ranging covering issues that are neither relevant nor admissible at trial, including medical and mental health histories, issues that are exceptionally private or personal. Washington State Constitution, article 1, section 35, provides that victims are to be accorded due dignity and respect to ensure a meaningful role in the criminal justice system. Additionally, RCW 7.69.030(4) requires that "reasonable effort" be made to ensure that victims "receive protection from harm or threats of harm arising from cooperation with law enforcement and prosecution efforts." Victims have clearly expressed a concern for harm that can come from the recording of interviews. The wishes of the witness to not create an electronic record of traumatic or personal experiences should be respected when the witness's privacy is impacted or harm may result. The proposed rule does not make a "reasonable effort" to protect the victim/witness from harm.

John J. Juhl
Deputy Prosecuting Attorney
Snohomish County Prosecuting Attorney
3000 Rockefeller Avenue, M/S 504
Everett, WA 98201
425.388.6544
jjuhl@co.snohomish.wa.us

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